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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

GUINEA

1. The Committee considered the state of implementation by Guinea of the economic, social and cultural rights contained in the Covenant at its 17th and 22nd meetings, held on 10 and 14 May 1996, and, at its 22nd meeting, held on 14 May 1996, adopted the following concluding observations:

A. Review of the implementation of the Covenant in relation to States Parties which have failed to report

2. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States Parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

3. The purpose of the reporting system established by the Covenant is for the States Parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in achieving the observance of the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such cases and must do so on the basis of all reliable information available to it.

4. In situations in which a Government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a State Party reporting and the Committee will provide an opportunity for the Government to voice its own view, and to seek to refute such criticism and convince the Committee of the conformity of its policy with what is required by the Covenant. Non-submission of reports and non-appearance before the Committee deprives a Government of this possibility to set the record straight.

B. Introduction

5. Guinea has been a party to the Covenant since 24 April 1978. Since then, it has not submitted a single report. The Committee strongly urges the Government of Guinea to fulfil its reporting obligations as soon as possible, so that the Covenant on Economic, Social and Cultural Rights can be given full effect for the benefit of the people of Guinea. The Committee emphasizes that it considers the non-performance by Guinea of its reporting obligations not only a violation of the Covenant but also a grave impediment to an adequate application of the Covenant.

C. Factors and difficulties impeding the application of the Covenant

6. The Committee takes note of the fact that performance by Guinea of the obligations arising from the International Covenant on Economic, Social and Cultural Rights cannot be evaluated without taking into consideration the political, economic and social conditions in which the country finds itself at present.

7. The Committee finds that the progress made in the field of economic, social and cultural rights since the death of Sékou Touré and the assumption of power by Lansana Conté late in 1993 is inadequate. Although the transition from a one-party system to a multiparty one is under way, it is encountering some difficulties, and the Committee believes that the existence of a rule of law proclaimed by the 1990 Constitution remains essentially formal. According to information received by the Committee, social tensions persist and there is a climate of violence in Guinea. That climate was heightened during elections, popular uprisings and the recent army mutiny.

8. With regard to the economic and social situation, the Committee observes that the living conditions of Guineans are extremely difficult. According to a 1994 World Bank report, "Trends in developing economies", Guinea is among the poorest countries of Africa, despite its natural resources, such as agriculture, energy and mining. The average annual per capita income for 1992 was estimated at $510. Around one fourth of children die before the age of 5, and average life expectancy is 45 years. Only 37 per cent of school-age children have access to primary school, and 59 per cent of adults are

illiterate. According to one estimate, about 50 per cent of the population is living in poverty. Even though inflation has clearly diminished since 1990, prices remain high, inflation significant and per capita gross domestic product (GDP) inadequate. The Committee recalls that extreme poverty and social exclusion undermine human dignity. New alternative national and international policies should be adopted in those areas.

9. The Committee notes that the Government has not succeeded in halting the economic and social crisis described, although it has taken various measures with a view to adopting a new socio-economic development strategy. Thus, Guinea opted in favour of a free market economy, and in 1995 a programme for financial and economic reform was launched and an agreement with regard to the Enhanced Structural Adjustment Facility (EAF) was negotiated with the assistance of the World Bank and the International Monetary Fund. In this extent, the Committee emphasizes, however, that from the viewpoint of the Covenant and its interpretation by the Committee, any reform measures must be accompanied by the adoption of targeted programmes designed to protect the vulnerable groups and members of society.

D. Positive aspects

10. Concerning the rights proclaimed under article 8 of the Covenant, the Committee notes that, despite the major role played by the trade unions at the time of independence, trade-union freedom has since been stifled by the Government. None the less, the Committee welcomes the observations made by the Guinean Government to the International Labour Office in 1995, according to which several new trade unions had been formed in Guinea in conformity with the 1988 Labour Code.

11. As to article 12, the Committee notes that clear progress can be observed in the BCG, tetanus and polio vaccination rates.

E. Principal subjects of concern

12. The Committee notes with concern that only some of the rights proclaimed in the Covenant (for example, trade-union freedom and freedom of education, which is compulsory) are recognized in the 1990 Constitution, and that the provisions of the Covenant have not yet been incorporated into Guinean internal law. Furthermore, despite the embodiment of the principle of the independence of the judiciary in the Constitution, the Supreme Court and High Court of Justice seem to be under the control of the executive branch. That explains the difficulties encountered by Guineans in exercising their fundamental rights, since the judiciary does not play an effective role in guaranteeing those rights.

13. With regard to the rights contained in articles 6 and 7 of the Covenant, the Committee notes that there is a serious unemployment problem in Guinea. For example, unemployment among qualified young people has increased considerably in recent years. According to information received by the Committee, the low salaries are too low for the high cost of living, leaving many Guineans to supplement their incomes through additional jobs, as the majority of civil servants are forced to do, quite illegally.

14. The Committee also notes that unequal treatment of men and women is increasing, particularly in the informal sector of the economy. The Committee

therefore invites the Guinean Government to take steps on a national level to implement the principle of "equal pay for equal work", which derives from the principle of non-discrimination against women proclaimed in the Covenant, ILO Convention No. 111 and the 1990 Constitution.

15. Concerning working conditions, the Labour Code contains provisions on health and safety in the workplace. However, the Government has not yet formulated rules for their implementation. The Committee notes, for example, that according to the ILO Committee of Experts on the Application of Conventions and Recommendations, the Government has not yet adopted regulations on protection against atomic radiation.

16. With regard to article 8 of the Covenant, the Committee notes that the right to strike recognized by the 1990 Constitution and by ILO Conventions Nos. 87 and 98, which were ratified by Guinea, was apparently not being observed. The Government had intimidated, and even arrested, strikers on several occasions. The Committee referred, for example, to the complaint brought before the ILO Committee on Freedom of Association in late 1995 with regard to the strike organized by the free trade union of teachers and researchers of Guinea.

17. With respect to article 9, the Committee is concerned by the fact that, as late as 1995, no follow-up had yet been given to the draft social security code recently revised with the assistance of ILO. Social security protection is limited to public administration, State-controlled entities and large enterprises. As most of the country's workforce is concentrated in agriculture, the extent of social security coverage remains insignificant.

18. Concerning article 10 of the Covenant, the Committee notes that many children work on farms, in small businesses and as street vendors. According to the Committee, observance of the Covenant requires that the Government implement the Labour Code provisions prohibiting child labour under the age of 16.

19. The Committee remains concerned about the cases of domestic violence against women and invites the Government to take the appropriate action to remedy the situation.

20. With regard to article 11 of the Covenant, which provides that everyone has the right to an adequate standard of living, the Committee recalls with concern the poverty affecting approximately 50 per cent of the population. Malnutrition is still widespread throughout the country. The Committee is equally concerned by the lack of a minimum wage guaranteed by law. Concerning the right to adequate housing, the Committee observes that the measures taken by the Government do not always seem adequate to meet the needs of the Guinean people.

21. Regarding the right to health proclaimed in article 12, the Committee refers to the information provided by The Economist Intelligence Unit in 1994-1995, and notes that only 13 per cent of the population have access to medical services. Furthermore, only 55 per cent have access to drinking water, a situation that is made even worse by onchocercosis, or "river blindness". The Guinean life expectancy of 45 years is one of the lowest in Africa. The Committee notes that women and children are particularly affected by the precarious health situation.

22. Similarly, the Committee is especially concerned by the persistent practice of female genital mutilation, which has serious consequences on the physical, psychological and social health of women. Women are also among the first victims of the AIDS virus. Concerning children, the Committee notes that the mortality rate remains high.

23. Concerning articles 13 and 14 of the Covenant, the Committee recalls that illiteracy persists, and regrets that the Guinean Government has not given enough priority in the structural adjustment agreement to schooling and education. The Committee thinks it necessary to give children the right to schooling and training that will enable them to be a part of the socio-economic fabric, which is still in great need of suitably trained people to deal with underdevelopment. The Committee notes that discrimination against women is on the rise, which is apparent from the adult illiteracy rate, access to education and the school drop-out rate among girls. Furthermore, according to information received by the Committee, the school-attendance rate remains low, primary schools are overcrowded and the principle of free primary education guaranteed by law is not always applied. The Government is also apparently not willing to increase the education budget in order to deal with the serious shortage of teachers.

24. The Committee notes that the provisions under article 15 are not being implemented satisfactorily. Access to culture remains difficult, as demonstrated, for example, by the high price of publications. The Committee is equally concerned by the inadequacy of the steps taken by the Government to safeguard the cultural identity of the various ethnic groups in Guinea.

F. Suggestions and recommendations

25. The Committee reiterates its request that the Government of Guinea actively participate in a constructive dialogue with the Committee on how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls to the Government's attention the fact that the Covenant creates a legal obligation for all States parties to submit periodic reports and that Guinea has been in breach of this obligation for many years.

26. The Committee recommends that the Government of Guinea avail itself of the advisory services of the Centre for Human Rights of the United Nations in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Revised General Guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the present concluding observations. The Committee also encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means of evaluating and monitoring their realization.